In the High Court of Judicature at Madras

Dated: 20.12.2006

Coram:

The Honourable Mr.Justice P.SATHASIVAM
and
The Honourable Mr.Justice S.TAMILVANAN

Writ Petition No.49195 of 2006
and M.P.No.1 of 2006

Mohamed Ghouse ..Petitioner

..vs..

1. The Commissioner,
   Corporation of Chennai,
   Chennai-600 003.

2. The Assistant Executive Engineer,
   Unit-19, Divn.No.103,
   Corporation of Chennai,
   Chennai-3.

3. Abdul Hafeez ..Respondents

Writ Petition filed under Article 226 of the Constitution of India, for issuance of a Writ of Certiorarifed Mandamus, calling for the records in respect of the notice dated 18.09.2006 under Section 256(3) of Chennai City Municipal Corporation Act, 1919 on the file of respondents 1 and 2 and quash the same and direct respondents 1 and 2 not to demolish the 400 sq.ft.built up area at No.23(12) Barracks Road, Periamet, Chennai-3.

For Petitioner : Mr.M.Thamizhavel

For Respondents : Mr.A.Mohammed Ghouse for R1 and R2

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ORDER

(Order of the Court was made by P.SATHASIVAM, J.,)

The petitioner has approached this Court to issue a Certiorarified Mandamus, calling for the Notice dated

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18.09.2006 issued under Section 256(3) of Chennai City Municipal Corporation Act, 1919 and quash the same and direct respondents 1 and 2 not to demolish 400 sq.ft.built up area at No.23(12), Barracks Road, Periamet, Chennai-3.

2. On direction, Mr.Mohammed Ghouse takes notice for respondents 1 and 2.

3. The relief as claimed by the petitioner need not be considered at this juncture since even according to him, he made a representation to the Commissioner, Corporation of Chennai on 22.09.2006, praying for permission to construct a house in an area of 400 sq.ft and approve the plan for the same. According to the learned counsel, the said representation has been duly acknowledged by the Commissioner on 26.09.2006. Copy of the representation and the acknowledgment are available at pages 8 and 9 of the typed set.

4. In such circumstances, we are of the view that ends of justice would be met by directing the first respondent to consider the request / representation of the petitioner dated 22.09.2006 and pass appropriate orders in accordance with law, within a period of six weeks from the date of receipt of a copy of this order. Till such final decision being passed, respondents 1 and 2 are directed not to enforce the Notice dated 18.09.2006 issued under Section 256(3) of Chennai City Municipal Corporation Act.

Writ petition is disposed of accordingly. No costs. Consequently, M.P.No.1 of 2006 is closed.

gl

Sd/
Asst.Registrar

/true copy/

Sub Asst.Registrar

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To

1. The Commissioner,
   Corporation of Chennai,
   Chennai-600 003.

2. The Assistant Executive Engineer,
   Unit-19, Divn.No.103,
   Corporation of Chennai,
   Chennai-3.

+ one cc to Mr. A. Mohammed Gouse, Standing counsel for Corporation of Chennai sr no. 64000
+ one cc to M/s. M. Thamizhavel, Advocate sr no. 63779

GB(CO)
NM(03.01.07) WP. No.49195 of 2006

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